REMARKS

Entry of the foregoing, reexamination and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested.

The Office Action Summary correctly indicates that claims 1-12 were pending in the application. Claims 8-12 were withdrawn from consideration. Claims 1-7 are under consideration and stand rejected.

Claims 1, 4 and 9 have been amended.

Claim 1 has been amended to incorporate subject matter that was previously recited in original claims 2 and 3, which have been canceled without prejudice or disclaimer, and to recite wherein the valve includes a rotating member supported by the valve body so as to be rotatable and the roller is rotatably supported by the rotating member so that the roller orbits about the axis of rotation of the rotating member along with rotation of the rotating member. The amendment to claim 1 is supported, for example, by original claims 2 and 3, and on page 6, line 28, page 9, line 2.

Claims 4 and 9 have been amended to correct their dependencies. Claims 11 and 12 have been canceled without prejudice or disclaimer of the subject matter described therein.

No prohibited new matter has been introduced by way of the above amendments. Applicants reserve the right to file a continuation or divisional application on subject matter canceled by way of this Amendment.

Rejections under 35 U.S.C. § 112

Claims 1-7 stand rejected under 35 U.S.C. § 112 as allegedly indefinite.

Claim 1 was rejected for allegedly lacking antecedent basis for "the flow passage." Claim 1 has been amended to provide antecedent basis for "the flow passage" in the preamble thereof.

Claim 4 was rejected for recitation of "said piston." Claim 4 has been amended to recite "a piston."

Claim 6 was rejected for reciting "the flow passage axis." Claim 1 has been amended to recite "a flow passage having a flow passage axis" thereby providing antecedent basis for the recitation in claim 6.

In view of the foregoing, withdrawal of the rejection is appropriate and is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1 and 2 stand rejected under 35 U.S.C. § 102 as allegedly anticipated by Repplinger (U.S. Patent No. 4,403,764). The rejection is traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Claim 1 has been amended to incorporate subject matter recited in claims 2 and 3 and to recite wherein the valve includes a rotating member supported by the valve body so as to be rotatable and the roller is rotatably supported by the rotating member so that the roller orbits about the axis of rotation of the rotating member along with rotation of the rotating member. Claim 3 was not included in the rejection. Thus, the Office has acknowledged that

Repplinger does not disclose all of the features of the present claims. In view of the foregoing, withdrawal of the rejection is appropriate and is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 3-6 stand rejected under 35 U.S.C. § 103 as allegedly unpatentable over Repplinger in view of Mehus (U.S. Patent No. 4,372,345). Claim 7 stands rejected under 35 U.S.C. § 103 as allegedly unpatentable over Repplinger in view of Mehus and Jensen (U.S. Patent No. 6,536,739).

The present invention has the following features: (a) the valve includes squeezing means disposed facing each other across the tube, and a rotating member supported by the valve body so as to be rotatable about an axis of rotation; (b) the squeezing means includes a roller rotatably supported by the rotating member so that the roller orbits about the axis of rotation of the rotating member along with rotation of the rotating member, and an arc-shaped pressing surface formed on the valve body and extending about the axis of rotation of the rotating member; (c) part of the tube arranged along the pressing surface; and (d) rotation of the rotating member makes the roller move to a position facing the pressing surface to collapse the tube and close the flow passage inside the tube and then makes the roller move parallel to the pressing surface so as to move a collapsed position where the tube is collapsed by the roller while maintaining said flow passage in the closed state. These features make it possible to close off the flow passage inside the tube and perform the suck back operation by rotation of the rotating member about the axis of rotation.

In contrast, none of references disclose the above features of the present invention.

Repplinger does not disclose the feature (b) noted above, i.e. a roller rotatably supported by a rotating member so that the roller orbits about an axis of rotation of the

rotating member along with rotation of the rotating member or the feature (d) of the present invention, i.e., the feature wherein rotation of the rotating member makes a roller move to a position facing a pressing surface to collapse a tube and close a flow passage inside the tube and then makes the roller move parallel to the pressing surface so as to move a collapsed position where the tube is collapsed by the roller while maintaining the flow passage in the closed state.

Mehus also fails to disclose the feature (b) noted above, i.e., an arc-shaped pressing surface formed on a valve body and extending about a axis of rotation of a rotating member and also the features (c) and (d) noted above.

Further, Jensen does not disclose the feature (b) noted above, i.e., a roller rotatably supported by a rotating member so that the roller orbits about an axis of rotation of the rotating member along with rotation of the rotating member and an arc-shaped pressing surface formed on a valve body and extending about the axis of rotation of rotating member and also the features (c) and (d) noted above.

Additionally, none of U.S. Patent Nos. 3,830,462, 3,550,861 and 3,511,468 disclose the features (b) to (d) noted above.

Thus, the prior art fails to disclose all the features of the claimed invention. As such, the prior art cannot support a *prima facie* case of obviousness. In view of the foregoing, withdrawal of the rejections is appropriate and is respectfully requested.

CONCLUSION

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned concerning such questions so that prosecution of this application may be expedited.

The Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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